

1 1/28/10- permit application – Part III for GW RAP Feb. 3, 2010 mtg.

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3
4 Part III

5 Permit Application and Issuance

6
7 9VAC25-610-85 Preapplication meeting

8 A. The applicant and owner or operator for a new or expanded application for a
9 ground water withdrawal or reapply for a current permitted withdrawal shall schedule a
10 meeting with the department prior to submitting their permit application. The purpose of
11 the meeting is to have a mutual exchange of information on the proposed project and
12 applicable regulatory requirements. If the pre-application meeting is being held for a
13 public water supply system, the applicant may request the Virginia Department of Health
14 to participate in the pre-application meeting. The Virginia Department of Health shall
15 participate to the extent practicable in the pre-application meeting by providing
16 information and guidance to assist the applicant with meeting Virginia Department of
17 Health regulatory requirements.

18
19 B. For applicants reapplying for a current permitted withdrawal, the department shall
20 discuss information provided in previous permit applications that may be resubmitted as
21 part of the permit application during the preapplication meeting.

22
23 9VAC25-610-90. Application for a permit by groundwater users in existing Ground
24 Water Management Areas withdrawing prior to July 1, 1992.

25 A. Persons withdrawing ground water or who have rights to withdraw ground water
26 prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water
27 Management Areas and not excluded from requirements of this chapter by 9VAC25-610-
28 50 shall apply for a permit.

29 1. Any person who was issued a certificate of ground water right or a permit to
30 withdraw ground water prior to July 1, 1991, and who was withdrawing ground water
31 pursuant to said permit or certificate on July 1, 1992, shall file an application on or before
32 December 31, 1992, to continue said withdrawal. The applicant shall demonstrate the
33 claimed prior withdrawals through withdrawal reports required by the existing certificate
34 or permit or by reports required by Water Withdrawal Reporting Regulations (9VAC25-
35 200-10 et seq.).

36 2. Any person who was issued a certificate of ground water right or a permit to
37 withdraw ground water prior to July 1, 1991, and who had not initiated the withdrawal
38 prior to July 1, 1992, may initiate a withdrawal on or after July 1, 1992, pursuant to the
39 terms and conditions of the certificate or permit and shall file an application for a ground
40 water withdrawal permit on or before December 31, 1995, to continue said withdrawal.
41 The applicant shall demonstrate the claimed prior withdrawals through withdrawal
42 reports required by the existing certificate or permit or by reports required by Water
43 Withdrawal Reporting Regulations (9VAC25-200-10 et seq.).

44 3. Any person who was issued a permit to withdraw ground water on or after July 1,
45 1991, and prior to July 1, 1992, shall not be required to apply for a ground water
46 withdrawal permit until the expiration of the permit to withdraw ground water or 10 years
47 from the date of issuance of the permit to withdraw ground water, whichever occurs first.

Such persons shall reapply for a ground water withdrawal permit as described in ~~subsection D of this section.~~ 9VAC20-610-96.

4. Any person withdrawing ground water for agricultural or livestock watering purposes on or before July 1, 1992, shall file an application for a ground water withdrawal permit on or before December 31, 1993. The applicant shall demonstrate the claimed prior withdrawals by voluntary withdrawal reports required by Water Withdrawal Reporting Regulations (9VAC25-200-10 et seq.) when such reports have been filed with the board. When such reports are not available, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

5. Any political subdivision, or authority serving a political subdivision, holding a certificate of ground water right or a permit to withdraw ground water issued prior to July 1, 1992, for the operation of a public water supply well for the purpose of providing supplemental water during drought conditions, shall file an application on or before December 31, 1992. Any political subdivision, or authority serving a political subdivision, shall submit, as part of the application, a water conservation and management plan as described in 9VAC25-610-100 B.

6. Any person who is required to apply in subdivision 1, 2, or 5 of this ~~subsection~~ section and who uses the certificated or permitted withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

7. Any person described in subdivision 1, 2, 3, or 5 of this ~~subsection~~ section who files a complete application by the date required may continue to withdraw ground water pursuant to the existing certificate or permit until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

8. Any person described in subdivision 4 of this ~~subsection~~ section who files a complete application by the date required may continue his existing withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

9. Any person described in subdivision 1, 2, 3, 4, or 5 of this ~~subsection~~ section who files an incomplete application by the date required may continue to withdraw ground water as described in subdivisions 7 and 8 of this ~~subsection~~ section provided that all information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such person not provide the board the required information within 60 days, he shall cease withdrawals until he provides any additional information to the board and the board concurs that the application is complete.

10. A complete application for those persons described in subdivision 1, 2, 3, 4, or 5 of this ~~subsection~~ section shall contain:

a. The permit fee as required by regulations in Fees for Permits and Certificates (9VAC25-20-10 et seq.).

a.b. A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;

b.c. Well construction documentation for all wells associated with the application submitted on the Water Well Completion Report, Form GW2, which includes but is not limited to the following information:

(1) the diameter and depth of the hole;

(2) the diameter, top and bottom, and material of each cased interval.

(3) the diameter, top and bottom, and screen slot size for each screened interval;

(4) top, bottom and size of gravel for each gravel packed interval;

(5) top, bottom and material for each grout interval, and

(6) depth of pump intake;

e.d. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps. The applicant shall provide the latitude and longitude coordinates a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection.

e. A map identifying the service areas for public water supplies.

~~d.f.~~ Withdrawal reports required by the existing certificate or permit, reports required by Water Withdrawal Reporting Regulations (9VAC25-200-10 et seq.), or estimates of withdrawals as described in subdivision 4 of this subsection section to support any claimed prior withdrawal; and

~~e.g.~~ A copy of the Virginia Department of Health waterworks operation permit, or equivalent, where applicable.

~~f.h.~~ Persons described in subdivision 5 of this subsection section shall submit a water conservation and management plan as described in 9VAC25-610-100.

~~g.i.~~ The application shall have an original signature as described in 9VAC25-610-150.

11. Any person described in subdivision 1, 2, 3, or 5 of this subsection section who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, he shall have filed an application with a letter of explanation to the board by November 21, 1993. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in ~~subsection C of this section.~~ 9VAC25-610-94.

12. Any person described in subdivision 4 of this subsection section who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, he may do so by filing an application with a letter of explanation to the board within 60 days of the original required date or within 60 days of January 1, 1999, whichever is later. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who

wishes to withdraw ground water shall apply for a new withdrawal as described in ~~subsection C of this section.~~ 9VAC25-610-94.

9 VAC 25-610-92 Application for a permit by existing users when a Ground Water Management Area is declared or expanded after July 1, 1992.

~~B.~~ Persons withdrawing ground water when a ground water management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. Any person withdrawing ground water in an area that is declared to be a ground water management area after July 1, 1992, shall file an application for a ground water within six months of the effective date of the regulation creating or expanding the ground water management area. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by Water Withdrawal Reporting Regulations (9VAC25-200-10 et seq.). In the case of agricultural ground water withdrawals not required to report by Water Withdrawal Reporting Regulations, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

2. Any person withdrawing ground water who uses the withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

3. Any person who is required to apply for a ground water withdrawal permit and files a complete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue their withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

4. Any person who is required to apply for a ground water withdrawal permit and files an incomplete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue to withdraw ground water as described in subdivision 3 of this ~~subsection~~ section provided that all the information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such person not provide the board the required information within 60 days, he shall cease withdrawals until he provides any additional information to the board and the board concurs that the application is complete.

5. A complete application for those persons described ~~9VAC25-610-90 B-1 in subdivision 1~~ of this ~~subsection~~ section shall contain:

a. The permit fee as required by regulations in Fees for Permits and Certificates (9VAC25-20-10 et seq.).

~~a.b.~~ A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;

~~b.c.~~ Well construction documentation for all wells associated with the application submitted on the Water Well Completion Report, Form GW2, which includes but is not limited to the following information:

(1) the diameter and depth of the hole;

- (2) the diameter, top and bottom, and material of each cased interval.
(3) the diameter, top and bottom, and screen slot size for each screened interval;
(4) top, bottom and size of gravel for each gravel packed interval;
(5) top, bottom and material for each grout interval, and
(6) depth of pump intake;

~~e.~~d. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps. The applicant shall provide the latitude and longitude coordinates a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection.

e. A map identifying the service areas for public water supplies.

~~d.~~f. Withdrawal reports required by Water Withdrawal Reporting Regulations (9VAC25-200-10 et seq.) or estimates of withdrawals as described in subdivision 1 of this ~~subsection~~ section to support any claimed prior withdrawal;

~~e.~~g. A copy of the Virginia Department of Health waterworks operation permit, where applicable; ~~and~~

~~f.~~h. The application shall have an original signature as described in 9VAC25-610-150; and

i. A water conservation and management plan as described in 9VAC25-610-100.

6. Any person who fails to file an application within six months after the effective date creating or expanding a ground water management area creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, they may do so by filing an application with a letter of explanation to the board within eight months after the date creating or expanding the ground water management area. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in ~~subsection C of this section.~~ 9VAC25-610-94.

9 VAC 25-61-94- Application for a new permit, reapplication for a current permitted withdrawal or expansion of an existing withdrawal

~~G.~~ Persons wishing to initiate a new withdrawal, ~~or~~ expand an existing withdrawal, or reapply for a current permitted withdrawal in any ground water management area and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. A ground water withdrawal permit application shall be completed and submitted to the board and a ground water withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9VAC25-610-50.

2. A complete ground water withdrawal permit application for a new or expanded withdrawal, or reapplication for a current withdrawal, ~~at a minimum,~~ shall contain the following:

- a. The permit fee as required by regulations in Fees for Permits and Certificates (9VAC25-20-10 et seq.).

~~a.b.~~ A ground water withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required;

~~b.c.~~ The application shall include notification from the local governing body in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. If the governing body of any county, city or town fails to respond to the applicant's request for certification within 45 days ~~following~~ of receipt of ~~a~~ the written request, the location and operation of the proposed facility shall be deemed to comply with the provisions of such ordinances for the purposes of this chapter. The applicant shall document the local governing body's receipt of the request for certification through the use of by certified mail or other means that establishes proof of delivery., ~~return receipt requested, by to an applicant applicant's request~~ for certification that the location and operation of the proposed facility is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia, the location and operation of the proposed facility shall be deemed to comply with the provisions of such ordinances for the purposes of this chapter;

~~c.d.~~ The application shall have an original signature as described in 9VAC25-610-150;

~~d.e.~~ The application shall include locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps. The applicant shall provide the latitude and longitude coordinates a datum specified by the department for each existing and proposed well.. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection.

f. A map identifying the service areas for public water supplies.

~~e.g.~~ A completed well construction report for all existing wells associated with the application. ~~Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality;~~ application submitted on the Water Well Completion Report, Form GW2, which includes but is not limited to the following information:

(1) the diameter and depth of the hole;

(2) the diameter, top and bottom, and material of each cased interval.

(3) the diameter, top and bottom, and screen slot size for each screened interval;

(4) top, bottom and size of gravel for each gravel packed interval;

(5) top, bottom and material for each grout interval, and

(6) depth of pump intake;

~~f.h.~~ An alternatives analysis which evaluates alternative sources of water supply, other than groundwater, including sources of reclaimed water, and the lowest quality of water needed for the intended beneficial use as described in 9VAC25-610-106 ~~An evaluation of the lowest quality water needed for the intended beneficial use;~~

~~g.i.~~ ~~An evaluation of sources of water supply, other than ground water, including sources of reclaimed water;~~ A demand projection that addresses

the need for future water supply within a planning period specified by the department as described in 9VAC25-610-103; and

h.i. A water conservation and management plan as described in 9VAC25-610-100.

k. A plan to mitigate potential adverse impacts on existing ground water users from the proposed withdrawal. In lieu of developing individual mitigation plans, multiple applicants may choose to establish a mitigation program to collectively develop and implement a cooperative mitigation plan that covers the entire area of impact of all members of the mitigation program.

l. Any other information that may be required by the board to evaluate the application.

3. In addition to requirements contained in subdivision 2 of this ~~subsection~~ section, the board may require any or all of the following information prior to considering an application complete.

~~h.a.~~ The installation of monitoring wells and the collection and analysis of drill cuttings, continuous cores, geophysical logs, water quality samples or other hydrogeologic information necessary to characterize the aquifer system present at the proposed withdrawal site.

~~e.b.~~ The completion of pump tests or aquifer tests to determine aquifer characteristics at the proposed withdrawal site.

4. The Board may allow persons reapplying for a permit for a current permitted withdrawal to certify information provided to the board in previous permit applications remains accurate in lieu of resubmitting information to the Board.

9VAC25-610- 96- Duty to reapply for a permit

D. Duty to reapply.

1. A. Any permittee with an effective permit shall submit a new permit application at least 270 days before the expiration date of an effective permit unless permission for a later date has been granted by the board.

2. B. Permittees who have effective permits shall submit a new application 270 days prior to any proposed modification to their activity or well system which will:

a. 1. Result in an increase of withdrawals above permitted limits; and or

b. 2. Violate or lead to the violation of the terms and conditions of the permit.

The permittee shall obtain approval of the permit from the board prior to implementing changes described in the new application.

3. C. The applicant shall provide all information described in ~~subdivisions C 1 and 2 of this section~~ 9VAC26-610-94 and may be required to provide any information described in ~~subdivision C 3 of this section~~ 9VAC25-610-94 for any reapplication. In cases where the permitted withdrawal amount is not increasing and there is no change to the withdrawal, the applicant may resubmit information included in the existing permit to the Board as part of an application.

9VAC 25-610- 98 Incomplete or inaccurate applications

A. Where the board finds an application incomplete under the requirements of this section, the board shall require the submission of additional information after an

1 application has been filed, and may suspend processing of the application until such
2 time as the applicant has supplied the missing or deficient information and the board
3 finds the application complete. An incomplete permit application for a new or expanded
4 withdrawal may be suspended from processing 180 days from the date that the applicant
5 received notification that the application is deficient. Once an application has been
6 suspended from processing, the applicant must submit a new complete application,
7 however no permit fee will be assessed. Further, where the applicant becomes aware
8 that one or more relevant facts from a permit application were omitted, or that incorrect
9 information was submitted in a permit application or in any report to the board, the
10 applicant shall immediately submit such facts or the correct information.

11
12 B. When an application does not accurately describe an existing or proposed ground
13 water withdrawal system, the board may require the applicant to amend the existing
14 application, submit a new application, or submit a new application before the application
15 will be processed.

16
17 ~~E. Where the board considers an application incomplete under the requirements of~~
18 ~~this section, the board may require the submission of additional information after an~~
19 ~~application has been filed, and may suspend processing of any application until such~~
20 ~~time as the applicant has supplied missing or deficient information and the board~~
21 ~~considers the application complete. Further, where the applicant becomes aware that he~~
22 ~~omitted one or more relevant facts from a permit application, or submitted incorrect~~
23 ~~information in a permit application or in any report to the board, he shall immediately~~
24 ~~submit such facts or the correct information.~~

25 ~~F. When an application does not accurately describe an existing or proposed ground~~
26 ~~water withdrawal system, the board may require the applicant to amend the existing~~
27 ~~application, submit a new application, or submit new applications before the application~~
28 ~~will be processed.~~

29 ~~G. All persons required by this chapter to apply for ground water withdrawal permits~~
30 ~~shall submit application forms in a format specified by the board. Such application forms~~
31 ~~are available from the Department of Environmental Quality.~~

32 ~~H. No ground water withdrawal permit application shall be considered complete until~~
33 ~~a permit fee is submitted as required by regulations in Fees for Permits and Certificates~~
34 ~~(9VAC25-20-10 et seq.).~~

35
36 **9VAC25-610-100. Water conservation and management plans.**

37 A. Any application to initiate a new withdrawal or expand an existing withdrawal in
38 any ground water management area, or the reapplication at the end of a permit cycle for
39 all permits shall require a water conservation and management plan before the
40 application or reapplication is considered complete. The board shall review all water
41 conservation and management plans and assure that such plans contain all elements
42 required in 9VAC25-610-100 B. which will become an enforceable part of the permit.

43 B. A water conservation and management plan is an operational plan to be
44 referenced and implemented by the permittee. Water conservation and management
45 plans shall be consistent with local and regional water supply plans in the applicant's
46 geographic area, developed as required by 9 VAC 25-780 et seq. The water
47 conservation and management plan shall be specific to the type of water use, and
48 include the following:

1 1. For Municipal and Non-municipal Public Water Supplies

2 a. Requirements for the use of water saving equipment and processes for all water
3 uses including, technological, procedural, or programmatic improvements to the
4 facilities and processes to decrease the amount of water withdrawn or to decrease water
5 demand. These requirements shall assure that the most technically efficient and
6 financially feasible use is made of ground water. Also, where appropriate, the use of
7 water saving fixtures in new and renovated plumbing as provided in the Uniform
8 Statewide Building Code shall be discussed in the plan. If these options are not
9 implemented in the plan, justification in the form of a cost benefit analysis shall be
10 provided.

11 b. A water loss reduction program, which defines the applicant's leak detection and
12 repair program. The water loss reduction program shall include requirements for an
13 audit of the total amount of ground water used in the distribution system and operational
14 processes during the first two years of the permit cycle. Implementation of a leak
15 detection and repair program shall be required within one year of the date the permit is
16 issued. The program shall include a schedule for inspection of equipment and piping for
17 leaks;

18 c. A water use education program that contains requirements for the education of
19 water users and training of employees controlling water consuming processes to assure
20 that water conservation principles are well known by the users of the resource. The
21 program shall include a schedule for information distribution and type of materials.

22 d. An evaluation of potential water reuse options and assurances that water shall be
23 reused in all instances where reuse is feasible; Potential for expansion of the existing
24 reuse practices or adoption of additional reuse practices shall also be included; and

25 e. Requirements for mandatory water use reductions during water shortage
26 emergencies declared by the local governing body or water authority in accordance with
27 §15.2-923 and §15.2-924 of the Code of Virginia. This shall include, where appropriate,
28 ordinances in municipal systems prohibiting the waste of water generally and
29 requirements providing for mandatory water use restrictions in accordance with drought
30 response and contingency ordinances implemented to comply with 9 VAC 25-780-120,
31 during water shortage emergencies. The water conservation and management plan shall
32 also contain requirements for mandatory water use restrictions during water shortage
33 emergencies that restricts or prohibits all nonessential uses such as lawn watering, car
34 washing, and similar nonessential residential, industrial and commercial uses for the
35 duration of the water shortage emergency. Penalties for failure to comply with
36 mandatory water use restrictions shall be included in municipal system plans.

37 2. For non-public water supply applicants- Commercial and Industrial users

38 a. Requirements for the use of water saving equipment and processes for all water
39 uses including, technological, procedural, or programmatic improvements to the facilities
40 and processes to decrease the amount of water withdrawn or to decrease water
41 demand. These requirements shall assure that the most technically and financially
42 efficient use is made of ground water. Also, where appropriate, the use of water saving
43 fixtures in new and renovated plumbing as provided in the Uniform Statewide Building
44 Code shall be discussed in the plan. If these options are not implemented in the plan,
45 justification in the form of a cost benefit analysis shall be provided;

46 b. A water loss reduction program, which defines the applicant's leak detection and
47 repair program. The water loss reduction program shall include requirements for an
48 audit of the total amount of ground water used in the distribution system and operational
49 processes during the first two years of the permit cycle. Implementation of a leak

1 detection and repair program shall be required within one year of the date the permit is
2 issued. The program shall include a schedule for inspection of equipment and piping for
3 leaks;

4 c. A water use education program that contains requirements for the education of
5 water users and training of employees controlling water consuming processes to assure
6 that water conservation principles are well known by the users of the resource. The
7 program shall include a schedule for information distribution and type of materials;

8 d. An evaluation of water reuse options and assurances that water shall be reused in
9 all instances where reuse is feasible; Potential for expansion of the existing reuse
10 practices or adoption of additional reuse practices shall also be included; and

11 e. Requirements for complying with mandatory water use reductions during water
12 shortage emergencies declared by the local governing body or water authority in
13 accordance with §15.2-923 and §15.2-924 of the Code of Virginia. This shall include,
14 requirements providing for mandatory water use restrictions in accordance with drought
15 response and contingency ordinances implemented to comply with 9 VAC 25-780-120,
16 during water shortage emergencies. The water conservation and management plan shall
17 also contain requirements for mandatory water use restrictions during water shortage
18 emergencies that restricts or prohibits all nonessential uses such as lawn watering, car
19 washing, and similar nonessential industrial and commercial uses for the duration of the
20 water shortage emergency.

21 3. For non-public water supply applicants- Agricultural users

22 a. Requirements for the use of water saving plumbing and processes to decrease the
23 amount of water withdrawn or to decrease water demand. Plans submitted for the use
24 of groundwater for irrigation shall identify the specific type of irrigation system that will be
25 utilized, the efficiency rating of the irrigation system in comparison to less efficient
26 systems, the irrigation schedule used to minimize water demand, and the crop watering
27 requirements. For livestock watering operations, plans shall include livestock watering
28 requirements (per head) and processes to minimize waste of water. These
29 requirements shall assure that the most technically and financially efficient use is made
30 of ground water. If these options are not implemented in the plan, justification in the
31 form of a cost benefit analysis shall be provided;

32 b. A water loss reduction program, which defines the applicant's leak detection and
33 repair program. The water loss reduction program shall include requirements for an
34 audit of the total amount of ground water used in the distribution system and operational
35 processes during the first two years of the permit cycle. Implementation of a leak
36 detection and repair program shall be required within one year of the date the permit is
37 issued. The program shall include a schedule for inspection of equipment and piping for
38 leaks;

39 c. A water use education program that contains requirements for the training of
40 employees controlling water consuming processes to assure that water conservation
41 principles are well known by the users of the resource. The program shall include a
42 schedule for training employees. This requirement may be met through training
43 employees on water use requirements contained in irrigation management plans or
44 livestock management plans;

45 d. An evaluation of potential water reuse options and assurances that water shall be
46 reused in all instances where reuse is feasible and not prohibited by other regulatory
47 programs; Potential for expansion of the existing reuse practices or adoption of
48 additional reuse practices shall also be included; and

1 e. Requirements for mandatory water use reductions during water shortage
2 emergencies; This shall include, requirements providing for mandatory water use
3 restrictions in accordance with drought response and contingency ordinances
4 implemented to comply with 9 VAC 25-780-120, during water shortage emergencies.

5 f. The permittee may submit portions of Agricultural Management Plans or Irrigation
6 Management Plans developed to comply with requirements of federal or state laws,
7 regulations or guidelines to demonstrate the requirements of 9 VAC25-610-100 B 3 a
8 through e are being achieved.

9 ~~C. The board shall review all water conservation and management plans and assure~~
10 ~~that such plans contain all elements required in 9VAC25-610-100 B. The board shall~~
11 ~~approve all plans that:~~

12 ~~1. Contain requirements that water saving fixtures be used in all new and renovated~~
13 ~~plumbing as provided in the Uniform Statewide Building Code;~~

14 ~~2. Contain requirements for making technological, procedural, or programmatic~~
15 ~~improvements to the applicant's facilities and processes to decrease water consumption.~~
16 ~~These requirements shall assure that the most efficient use is made of ground water;~~

17 ~~3. Contain requirements for an audit of the total amount of ground water used in the~~
18 ~~applicant's distribution system and operational processes during the first two years of the~~
19 ~~permit cycle. Subsequent implementation of a leak detection and repair program will be~~
20 ~~required within one year of the completion of the audit, when such a program is~~
21 ~~technologically feasible;~~

22 ~~4. Contain requirements for the education of water users and employees controlling~~
23 ~~water consuming processes to assure that water conservation principles are well known~~
24 ~~by the users of the resource;~~

25 ~~5. Contain an evaluation of potential water reuse options and assurances that water~~
26 ~~will be reused in all instances where reuse is feasible;~~

27 ~~6. Contain requirements for mandatory water use restrictions during water shortage~~
28 ~~emergencies that prohibit all nonessential uses such as lawn watering, car washing, and~~
29 ~~similar nonessential residential, industrial and commercial uses for the duration of the~~
30 ~~water shortage emergency; and~~

31 ~~7. Contain penalties for failure to comply with mandatory water use restrictions.~~

32
33 **9 VAC 25-610-103 Evaluation of project need and alternatives.**

34 A. The applicant shall first identify the purpose of the proposed project. In identifying
35 the project purpose, the applicant shall provide a narrative describing the water supply
36 issues that form the basis of the proposed project purpose.

37 B. The applicant shall subsequently demonstrate to the satisfaction of the board that
38 the project meets an established water supply need. In establishing local need for a
39 public water supply, the applicant shall provide the following information:

40 1. Existing supply sources, yields and demands, including:

41 a. Peak day and average daily withdrawal;

42 b. Consumptive component of the withdrawal;

43 c. Types of water uses; and,

44 d. Existing water conservation measures and drought response plan,
45 including what conditions trigger their implementation.

1 2. Projected demands in 10 year increments over a minimum 30 year planning
2 period, including the following:

3 a. Projected demand contained in the local or regional water supply plan
4 developed in accordance with 9 VAC 25-780, et. seq. or for the project
5 service area, if such area is smaller than the planning area; or

6 b. Statistical population (growth) trends; and,

7 c. Projected demands by use type; and,

8 d. Projected demand without water conservation measures; and,

9 e. Projected demands with long-term water conservation measures.

10 3. In establishing need for agricultural water supply, the applicant shall provide
11 the following information:

12 a. For crop irrigation: crop, acreage, crop spacing, crop watering
13 requirements for the particular crop (crop rooting depth), soil types, soil
14 holding capacity (available water capacity), allowable soil water depletion,
15 historic precipitation records (precipitation contribution), peak irrigation
16 months, irrigation scheduling approaches (tensiometers vs. feel method),
17 irrigation type (drip, overhead, center pivot etc.), and irrigation system
18 efficiency rating.

19 b. For livestock watering: kind and size of animal, rate and composition of
20 gain, presence of pregnant animals or lactating animals, type of diet, level of
21 dry matter intake, level of activity, quality of the water, temperature of the
22 water offered, and surrounding air temperature.

23 C. The applicant shall provide an alternatives analysis that evaluates alternative sources
24 of supply to ground water and the availability and use of lower qualities of ground water
25 that can still be put to the beneficial use. For all proposed projects, the applicant shall
26 demonstrate to the satisfaction of the board:

27 1. that opportunities to reduce and minimize the use of ground water have been
28 identified and the requested amount is the minimum amount of ground water
29 necessary for the proposed activity;

30 2. that the project utilizes the lowest quality water for the proposed activity;

31 3. that alternate sources of supply other than ground water, including surface
32 water and water reuse, were considered for use in the proposed activity
33 particularly for consumptive purposes; and

34 4. that practicable alternatives, including design alternatives, have been
35 evaluated for the proposed activity. Measures, such as reducing the size, scope,
36 configuration, or density of the proposed project, that would avoid or result in less
37 adverse impact to high quality ground waters shall be considered to the
38 maximum extent practicable.

39 D. Any alternatives analysis conducted specifically for public water supply projects
40 shall include:

41 1. All applicable alternatives contained in the local or regional water supply plan
42 developed in accordance with 9VAC25-780;

43 2. Alternatives that are practicable or feasible from both a technical and
44 economic standpoint that had not been identified in the local or regional water
45 supply plan developed in accordance with 9VAC25-780;

1 3. Water conservation measures that could be considered as a means to reduce
2 demand for each alternative considered by the applicant;

3 4. A narrative description that outlines the opportunities and status of
4 regionalization efforts undertaken by the applicant.

5 E. The criteria used to evaluate each alternative includes but is not limited to:

6 1. Demonstration that the proposed alternative meets the project purpose and
7 project demonstrated need

8 2. Availability of the alternative to the applicant;

9 3. Evaluation of interconnectivity of water supply systems, when applicable (both
10 existing and proposed);

11 4. Evaluation of the cost of the alternative on an equivalent basis;

12 13 **9VAC25-610-106 Alternatives Analysis**

14
15 A. The applicant shall provide an alternatives analysis that evaluates alternative
16 sources of supply to ground water and the availability of lower qualities of ground water
17 that can still be put to the beneficial use. For all proposed projects, the applicant shall
18 demonstrate to the satisfaction of the board:

19 1. that opportunities to reduce and minimize the use of ground water have been
20 identified and the requested amount is the minimum amount of ground water
21 necessary for the proposed activity;

22 2. that the project utilizes the lowest quality water for the proposed activity;

23 3. that alternate sources of supply other than ground water, including surface
24 water and water reuse, were considered for use in the proposed activity; and

25 4. that practicable alternatives, including design alternatives, have been
26 evaluated for the proposed activity. Measures, such as reducing the size, scope,
27 configuration, or density of the proposed project, that would avoid or result in less
28 adverse impact to high quality ground waters shall be considered to the
29 maximum extent practicable.

30 B. Any alternatives analysis conducted specifically for municipal ground water
31 withdrawal projects shall include:

32 1. All applicable alternatives contained in the local or regional water supply plan
33 developed in accordance with 9VAC25-780;

34 2. Alternatives that are practicable or feasible from both a technical and
35 economic standpoint that had not been identified in the local or regional water
36 supply plan developed in accordance with 9VAC25-780;

37 3. Water conservation measures that could be considered as a means to reduce
38 demand for each alternative considered by the applicant;

39 4. A narrative description that outlines the opportunities and status of
40 regionalization efforts undertaken by the applicant.

41 C. The criteria used to evaluate each alternative for the purpose of establishing the
42 least environmentally damaging practicable alternative, which includes but is not limited
43 to:

44 1. Demonstration that the proposed alternative meets the project purpose and
45 project demonstrated need

2. Availability of the alternative to the applicant;
3. Evaluation of interconnectivity of water supply systems (both existing and proposed);
4. Evaluation of the cost of the alternative on an equivalent basis;

9VAC25-610-108 Estimating Area of impact for qualifying withdrawals

A. For withdrawals where available information indicates the Area of Impact for the withdrawal will be less than 12 square miles, the agency may estimate, through the use of modeling techniques, the area of impact of a withdrawal for use by the applicant in developing a mitigation plan.

B. The applicant may choose to use the area of impact estimated by the agency or satisfy the Agency's requirements for conducting site investigations to gather site-specific information to be used as the basis for identifying the area of impact of the withdrawal.

C. The area of impact, whether estimated or identified by a geophysical evaluation shall be included in the permit's mitigation plan if a plan is required by 9VAC25-610-110 D 3 g.

9VAC25-610-110. ~~Criteria for issuance~~ Evaluation criteria for of permits. permit applications.

A. The board shall not issue any permit for more ground water than will be applied to the proposed beneficial use.

B. The board shall issue ground water withdrawal permits to persons withdrawing ground water or who have rights to withdraw ground water prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water Management Areas and not excluded from requirements of this chapter by 9VAC25-610-50 based on the following criteria:

1. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9VAC25-610-90 A-1, for the total amount of ground water withdrawn in any consecutive 12-month period between July 1, 1987, and June 30, 1992; however, with respect to a political subdivision, an authority serving a political subdivision or a community waterworks regulated by the Department of Health, the board shall issue a ground water withdrawal permit for the total amount of water withdrawn in any consecutive 12-month period between July 1, 1980, and June 30, 1992.

2. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9VAC25-610-90 A-2, for the total amount of ground water withdrawn and applied to a beneficial use in any consecutive 12-month period between July 1, 1992, and June 30, 1995.

3. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9VAC25-610-90 A-4, for the total amount of ground water withdrawn in any consecutive 12-month period between July 1, 1983, and June 30, 1993. The board shall evaluate all estimates of ground water withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.

4. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9VAC25-610-90 A-5, for the amount of ground water withdrawal needed to

1 annually meet human consumption needs as proven in the water conservation and
2 management plan approved by the board. The board shall include conditions in such
3 permits that require the implementation of mandatory use restrictions before such
4 withdrawals can be exercised.

5 | 5. When requested by persons described in 9VAC25-610-90 A-1, 2, and 4, the
6 board shall issue ground water withdrawal permits that include withdrawal amounts in
7 excess of those which an applicant can support based on historic usage. These
8 additional amounts shall be based on water savings achieved through water
9 conservation measures. The applicant shall demonstrate withdrawals prior to
10 implementation of water conservation measures, type of water conservation measure
11 implemented, and withdrawals after implementation of water conservation measures.
12 The applicant shall provide evidence of withdrawal amounts through metered
13 withdrawals and estimated amounts shall not be accepted to claim additional withdrawal
14 amounts due to water conservation. Decreases in withdrawal amounts due to production
15 declines, climatic conditions, population declines, or similar events shall not be used as
16 a basis to claim additional withdrawal amounts based on water conservation.

17 C. The board shall issue ground water withdrawal permits to persons withdrawing
18 ground water when a ground water management area is declared or expanded after July
19 1, 1992, and not excluded from requirements of this chapter by 9VAC25-610-50 based
20 on the following criteria:

21 1. The board shall issue a ground water withdrawal permit to nonagricultural users
22 for the total amount of ground water withdrawn in any consecutive 12-month period
23 during the five years preceding the effective date of the regulation creating or expanding
24 the ground water management area.

25 2. The board shall issue a ground water withdrawal permit to agricultural users for
26 the total amount of ground water withdrawn in any consecutive 12-month period during
27 the 10 years preceding the effective date of the regulation creating or expanding the
28 ground water management area. The board shall evaluate all estimates of ground water
29 withdrawal based on projected water demands for crops and livestock as published by
30 the Virginia Cooperative Extension Service, the United States Natural Resources
31 Conservation Service, or other similar references and make a determination whether
32 they are reasonable. In all cases only reasonable estimates will be used to document a
33 permit limit.

34 3. When requested by the applicant the board shall issue ground water withdrawal
35 permits that include withdrawal amounts in excess of those which an applicant can
36 support based on historic usage. These additional amounts shall be based on water
37 savings achieved through water conservation measures. The applicant shall
38 demonstrate withdrawals prior to implementation of water conservation measures, type
39 of water conservation measure implemented, and withdrawals after implementation of
40 water conservation measures. The applicant shall provide evidence of withdrawal
41 amounts through metered withdrawals and estimated amounts shall not be accepted to
42 claim additional withdrawal amounts due to water conservation. Decreases in withdrawal
43 amounts due to production declines, climatic conditions, population declines, or similar
44 events shall not be used as a basis to claim additional withdrawal amounts based on
45 water conservation.

46 D. The board shall issue ground water withdrawal permits to persons wishing to
47 initiate a new withdrawal, or expand an existing withdrawal, or reapply for a current
48 withdrawal in any ground water management area who have submitted complete

1 applications and are not excluded from requirements of this chapter by 9VAC25-610-50
2 based on the following criteria:

3 1. The applicant shall provide all information required in 9VAC25-610-90 C 2 prior to
4 the board's determination that an application is complete. The board may require the
5 applicant to provide any information contained in 9VAC25-610-90 C 3 prior to
6 considering an application complete based on the anticipated impact of the proposed
7 withdrawal on existing ground water users or the ground water resource.

8 2. The board shall perform a technical evaluation to determine the areas of any
9 aquifers that will experience at least one foot of water level declines due to the proposed
10 withdrawal and may evaluate the potential for the proposed withdrawal to cause salt
11 water intrusion into any portions of any aquifers or the movement of waters of lower
12 quality to areas where such movement would result in adverse impacts on existing
13 ground water users or the ground water resource. Prior to public notice of a draft permit
14 developed in accordance with the findings of the technical evaluation and at the request
15 of the applicant, the results of the technical evaluation, including all assumptions and
16 input, will be provided to the applicant for review.

17 3. The board shall issue a ground water withdrawal permit when it is demonstrated,
18 by a complete application and the board's technical evaluation, to the board's
19 satisfaction that the maximum safe supply of ground water will be preserved and
20 protected for all other beneficial uses and that the applicant's proposed withdrawal will
21 have no significant unmitigated impact on existing ground water users or the ground-
22 water resource. In order to assure that the applicant's proposed withdrawal complies
23 with the above stated requirements, the demonstration shall include, but not be limited
24 to, compliance with the following criteria:

25 a. The applicant demonstrates that no other sources of water supply,
26 including reclaimed water, are viable.

27 b. The applicant demonstrates that the ground water withdrawal will originate
28 from the aquifer that contains the lowest quality water that will support the
29 proposed beneficial use.

30 c. The applicant demonstrates that no pumps or water intake devices are
31 placed below the top of the uppermost confined aquifer that a well utilizes as
32 a ground water source or below the bottom of an unconfined aquifer that a
33 well utilizes as a ground water source.

34 d. The applicant demonstrates that the amount of ground water withdrawal
35 requested is the smallest amount of withdrawal necessary to support the
36 proposed beneficial use and that the amount is representative of the amount
37 necessary to support similar beneficial uses when adequate conservation
38 measures are employed.

39 e. The applicant provides a water conservation and management plan as
40 described in 9VAC25-610-100 and implements the plan as an enforceable
41 condition of the ground water withdrawal permit.

42 f. The applicant provides certification by the local governing body that the
43 location and operation of the withdrawing facility is in compliance with all
44 ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2
45 of the Code of Virginia.

46 g. The board's technical evaluation demonstrates that the area of impact of
47 the proposed withdrawal will remain on property owned by the applicant or

1 that there are no existing ground water withdrawers within the area of impact
2 of the proposed withdrawal.

3 In cases where the area of impact does not remain on the property owned by
4 the applicant or existing ground water withdrawers will be included in the area
5 of impact, the applicant shall provide and implement a plan to mitigate all
6 adverse impacts on existing ground water users. Approvable mitigation plans
7 shall, at a minimum, contain the following features and implementation of the
8 mitigation plan shall be included as enforceable permit conditions:

9 (1) The rebuttable presumption that water level declines that cause adverse
10 impacts to existing wells within the area of impact are due to the proposed
11 withdrawal;

12 (2) A commitment by the applicant to mitigate undisputed adverse impacts
13 due to the proposed withdrawal in a timely fashion;

14 (3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims
15 for mitigation between the applicant and any claimant; and

16 (4) The requirement that the claimant provide documentation that he is the
17 owner of the well; documentation that the well was constructed and operated
18 prior to the initiation of the applicant's withdrawal; the depth of the well, the
19 pump, and screens and any other construction information that the claimant
20 possesses; the location of the well with enough specificity that it can be
21 located in the field; the historic yield of the well, if available; historic water
22 levels for the well, if available; and the reasons the claimant believes that the
23 applicant's withdrawals have caused an adverse impact on the well.

24 h. The board's technical evaluation demonstrates that the stabilized effects
25 from proposed withdrawal in combination with the stabilized combined effects
26 of all existing lawful withdrawals will not lower water levels, in any confined
27 aquifer that the withdrawal impacts, below a point that represents 80% of the
28 distance between the historical prepumping water levels in the aquifer and
29 the top of the aquifer. Compliance with the 80% drawdown criterion will be
30 determined at the points that are halfway between the proposed withdrawal
31 site and the predicted one-foot drawdown contour based on the predicted
32 stabilized effects of the proposed withdrawal.

33 i. The board's technical evaluation demonstrates that the proposed ground
34 water withdrawal will not result in salt water intrusion or the movement of
35 waters of lower quality to areas where such movement would result in
36 adverse impacts on existing ground water users or the ground water
37 resource. This provision shall not exclude the withdrawal of brackish water so
38 long as the proposed withdrawal will not result in unmitigated adverse
39 impacts.

40 4. The board may also take the following factors into consideration when evaluating
41 a ground water withdrawal permit application or special conditions associated with a
42 ground water withdrawal permit:

43 a. The nature of the use of the proposed withdrawal;

44 b. The proposed use of innovative approaches such as aquifer storage and
45 recovery systems, surface and ground water conjunctive use systems,
46 multiple well systems that blend withdrawals from aquifers that contain
47 different quality ground water in order to produce potable water, and
48 desalinization of brackish ground water;

- c. Climatic cycles;
- d. Economic cycles;
- e. The unique requirements of nuclear power stations;
- f. Population and water demand projections during the term of the proposed permit;
- g. The status of land use and other necessary approvals; and
- h. Other factors that the board deems appropriate.

E. When proposed uses of ground water are in conflict or available supplies of ground water are not sufficient to support all those who desire to use them, the board shall prioritize the evaluation of applications in the following manner:

1. Applications for human consumptive use shall be given the highest priority;

2. Should there be conflicts between applications for human consumptive uses, applications will be evaluated in order based on the date that said applications were considered complete; and

3. Applications for all uses, other than human consumption, will be evaluated following the evaluation of proposed human consumptive uses in order based on the date that said applications were considered complete.

F. Criteria for ~~reissuance~~ review of reapplications for a current ground water withdrawal permit. The board shall consider all criteria in subsection D of this section prior to reissuance of reissuing a ground water withdrawal permit ~~described~~. Existing permitted withdrawal amounts shall not be the sole basis for determination of the appropriate withdrawal amounts when a permit is reissued.

The board shall reissue a permit to any public water supply user for an annual amount no less than the amount equal to that portion of the permitted withdrawal that was used by said system to support human consumptive uses during 12 consecutive months of the previous term of the permit.

9VAC25-610-120. Public water supplies.

The board shall evaluate all applications for ground water withdrawals for public water supplies as described in 9VAC25-610-110. The board shall make a preliminary decision on the application and prepare a draft ground water withdrawal permit and forward the draft permit to the Virginia Department of Health. The board shall not issue a final ground water withdrawal permit until such time as the Virginia Department of Health issues a waterworks operation permit, or equivalent. The board shall establish withdrawal limits for such permits as described in 9VAC25-610-140 A 3 and 4. Under the Virginia Department of Health's Waterworks Regulation any proposed use of reclaimed, reused, or recycled water contained in a ground water withdrawal application to support a public water supply is required to be approved by the Virginia Department of Health.

9VAC25-610-130. Conditions applicable to all ground water withdrawal permits.

A. Duty to comply. The permittee shall comply with all conditions of the permit. Nothing in this chapter shall be construed to relieve the ground water withdrawal permit holder of the duty to comply with all applicable federal and state statutes, and regulations, and prohibitions. At a minimum, a person must obtain a well construction permit or a well site approval letter from the Virginia Department of Health prior to the construction of any well for any withdrawal authorized by DEQ. Any permit ~~noncompliance is a violation of the Act and law~~, is a violation of the law and is grounds for enforcement action, permit termination, revocation, amendment, or denial of a permit renewal application.

1 B. Duty to cease or confine activity. It shall not be a defense for a permittee in an
2 enforcement action that it would have been necessary to halt or reduce the activity for
3 which a permit has been granted in order to maintain compliance with the conditions of
4 the permit.

5 C. Duty to mitigate. The permittee shall take all reasonable steps to:

6 1. Avoid all adverse impacts to lawful ground water users which could result from the
7 withdrawal; and

8 2. Where impacts cannot be avoided, provide mitigation of the adverse impact as
9 described in 9VAC25-610-110 D 3 g.

10 D. Inspection and entry. Upon presentation of credentials, the permittee shall allow
11 the board or any duly authorized agent of the board, ~~or department may,~~ at reasonable
12 times and under reasonable circumstances to conduct actions listed in this section. For
13 the purpose of this section, the time for inspection shall be deemed reasonable during
14 regular business hours. Nothing contained herein shall make an inspection time
15 unreasonable during an emergency.

16 1. ~~Enter~~ Entry upon any permittee's property, public or private, and have access to,
17 inspect and copy any records that must be kept as part of the permit conditions;

18 2. Inspect any facilities, operations or practices (including monitoring and control
19 equipment) regulated or required under the permit; and

20 3. Sample or monitor any substance, parameter or activity for the purpose of
21 assuring compliance with the conditions of the permit or as otherwise authorized by law.

22 E. Duty to provide information. The permittee shall furnish to the board, within a
23 reasonable time, any information which the board may request to determine whether
24 cause exists for ~~amending~~ modifying, or revoking, reissuing, or terminating the permit, or
25 to determine compliance with the permit. The permittee shall also furnish to the board,
26 upon request, copies of records required to be kept by the permittee. Plans, maps,
27 conceptual reports and other relevant information shall be submitted as required by the
28 board prior to commencing construction.

29 F. Monitoring and records requirements.

30 1. Monitoring of parameters, other than pollutants, shall be conducted according to
31 approved analytical methods as specified in the permit. Analysis of pollutants will be
32 conducted according to 40 CFR part 136 (2000), Guidelines Establishing Test
33 Procedures for the Analysis of Pollutants.

34 2. Samples and measurements taken for the purpose of monitoring shall be
35 representative of the monitored activity.

36 3. The permittee shall retain records of all monitoring information, including all
37 calibration and maintenance records and all original strip chart or electronic recordings
38 for continuous monitoring instrumentation, copies of all reports required by the permit,
39 and records of all data used to complete the application for the permit, for a period of at
40 least three years from the date of the expiration of a granted permit. This period may be
41 extended by request of the board at any time.

42 4. Records of monitoring information shall include as appropriate:

43 a. The date, exact place and time of sampling or measurements;

44 b. The name of the individuals who performed the sampling or
45 measurements;

46 c. The date the analyses were performed;

47 d. The name of the individuals who performed the analyses;

e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data ~~used; and~~ used

f. The results of such ~~analyses;~~ analyses; and

g. Chain of custody documentation.

G. Permit action. A permit may be amended or revoked as set forth in Part VI of this chapter.

If a permittee files a request for permit amendment or revocation, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective permit.

Permits may be amended or revoked upon the request of the permittee, or upon board initiative, to reflect the requirements of any changes in the statutes or regulations.

9VAC25-610-140. Establishing applicable standards, limitations or other permit conditions.

A. In addition to the conditions established in 9VAC25-610-100, 9VAC25-610-110, 9VAC25-610-120, ~~and~~ 9VAC25-610-130, and 9VAC25-610-150, each permit shall include conditions with the following requirements:

1. A permit shall contain the total depth of each permitted well in feet;

2. A Permit shall specify the screened intervals of wells listed by permit;

2. A permit shall contain the designation of the aquifers to be utilized;

3. A permit shall contain conditions limiting the withdrawal amount of a single well or a group of wells that comprise a withdrawal system to a quantity specified by the board. A permit shall contain a maximum annual withdrawal limit and a monthly ground water withdrawal limit;

4. A ground water withdrawal permit for a public water supply shall contain a condition allowing daily withdrawals at a level consistent with the requirements and conditions contained in the waterworks operation permit, or equivalent, issued by the Virginia Department of Health. This requirement shall not limit the authority of the board to reduce or eliminate ground water withdrawals by public water suppliers if necessary to protect human health or the environment;

5. The permittee shall not place a pump or water intake device at a depth that would allow dewatering of any aquifer the well utilizes as a source ~~lower than the top of the uppermost confined aquifer that a well utilizes as a ground water source or lower than the bottom of an unconfined aquifer that a well utilizes as a ground water source;~~

6. All permits shall specify monitoring requirements as conditions of the permit.

a. Permitted users who are issued ground water withdrawal permits based on 9VAC25-610-110 B 3 and C 2 shall install either in-line totalizing flow meters or hour meters that record the hours of operation of withdrawal pumps on each permitted well prior to beginning the permitted use. Flow meters shall produce volume determinations within plus or minus 10% of actual flows. Hour meters shall produce run times within plus or minus 10% of actual run times. Hour meter readings will be multiplied by the maximum capacity of the withdrawal pump to determine withdrawal amounts. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective

1 must be clearly identified in ground water withdrawal reports. An alternative
2 method for determining flow may be approved by the board on a case-by-
3 case basis.

4 b. Permitted users who are issued ground water withdrawal permits based on
5 any section of this chapter not included in subdivision 6 a of this subsection
6 shall install in-line totalizing flow meters to read gallons, cubic feet or cubic
7 meters on each permitted well prior to beginning the permitted use. Such
8 meters shall produce volume determinations within plus or minus 10% of
9 actual flows. A defective meter or other device must be repaired or replaced
10 within 30 days. A defective meter is not grounds for not reporting withdrawals.
11 During any period when a meter is defective, generally accepted engineering
12 methods shall be used to estimate withdrawals and the period during which
13 the meter was defective must be clearly identified in ground water withdrawal
14 reports. An alternative method for determining flow may be approved by the
15 board on a case-by-case basis.

16 c. Permits shall contain requirements concerning the proper use,
17 maintenance and installation, when appropriate, of monitoring equipment or
18 methods when required as a condition of the permit.

19 d. Permits shall contain required monitoring including type, intervals, and
20 frequency sufficient to yield data which are representative of the monitored
21 activity and including, when appropriate, continuous monitoring and sampling.

22 e. Each permitted well shall be equipped in a manner such that water levels
23 can be measured during pumping and nonpumping periods without
24 dismantling any equipment. Any opening for tape measurement of water
25 levels shall have an inside diameter of at least 0.5 inches and be sealed by a
26 removable plug or cap. The permittee shall provide a tap for taking raw water
27 samples from each permitted well.

28 7. All permits shall prohibit withdrawals from wells not authorized in the permit.

29 8. All permits shall include requirements to report the amount of water withdrawn
30 from each permitted well and well system on forms provided by the board with a
31 frequency dependent on the nature and effect of the withdrawal, but in no case less than
32 once per year.

33 9. Ground water withdrawal permits issued under this chapter shall have an effective
34 and expiration date which will determine the life of the permit. Ground water withdrawal
35 permits shall be effective for a fixed term not to exceed 10 years. Permit
36 duration of less than the maximum period of time may be recommended in areas where
37 hydrologic conditions are changing or are not adequately known. The term of any permit
38 shall not be extended by amendment beyond the maximum duration. Extension of
39 permits for the same activity beyond the maximum duration specified in the original
40 permit will require reapplication and issuance of a new permit.

41 10. Each permit shall have a condition allowing the reopening of the permit for the
42 purpose of amending the conditions of the permit to meet new regulatory standards duly
43 adopted by the board. Cause for reopening permits include but is not limited to a
44 determination that the circumstances under which the previous permit was based have
45 materially and substantially changed, or special studies conducted by the board or the
46 permittee show material and substantial change, since the time the permit was issued
47 and thereby constitute cause for permit amendment or revocation.

48 11. Each well that is included in a ground water withdrawal permit shall have affixed
49 to the well casing, in a prominent place, a permanent well identification plate that records

1 the Department of Environmental Quality well identification number, the ground water
2 withdrawal permit number, the total depth of the well and the screened intervals in the
3 well, at a minimum. Such well identification plates shall be in a format specified by the
4 board and are available from the Department of Environmental Quality.

5 B. In addition to the conditions established in 9VAC25-610-100, 9VAC25-610-110,
6 9VAC25-610-120, 9VAC25-610-130, and subsection A of this section, each permit may
7 include conditions with the following requirements where applicable:

8 1. A withdrawal limit may be placed on all or some of the wells which constitute a
9 withdrawal system;

10 2. A permit may contain quarterly, monthly, or daily withdrawal limits or withdrawal
11 limits based on any other frequency as determined by the board;

12 3. A permit may contain conditions requiring water quality and water levels
13 monitoring at specified intervals in any wells deemed appropriate by the board;

14 4. A permit may contain conditions specifying water quality action levels in pumping
15 and observation/monitoring wells to protect against or mitigate water quality degradation.
16 The board may require permitted users to initiate control measures which include, but
17 are not limited to, the following:

18 a. Pumping arrangements to reduce ground water withdrawal in areas of
19 concentrated pumping;

20 b. Location of wells to eliminate or reduce ground water withdrawals near
21 saltwater-freshwater interfaces;

22 c. Requirement of selective withdrawal from other available aquifers than
23 those presently used, or proposed;

24 d. Selective curtailment, reduction or cessation of ground water withdrawals
25 to protect the public welfare, safety or health or to protect the resource;

26 e. Conjunctive use of freshwater and saltwater aquifers, or waters of less
27 desirable quality where water quality of a specific character is not essential;

28 f. Construction and use of observation or monitoring wells, drilled into
29 aquifers between areas of ground water withdrawal (or proposed areas of
30 ground water withdrawal) and sources of lower quality water including
31 saltwater;

32 g. Well construction techniques that prohibit ~~Prohibiting~~ the hydraulic
33 connection of aquifers that contain different quality waters, such as gravel
34 packing, that could result in deterioration of water quality in an aquifer; and

35 h. Such other necessary control or abatement techniques as are technically
36 feasible.

37 5. A permit may contain conditions limiting water level declines in pumping wells and
38 observation wells; and

39 6. All permits may include requirements to report water quality and water level
40 information on forms provided by the board with a frequency dependent on the nature
41 and effect of the withdrawal, but in no case less than once per year.

42 C. In addition to conditions described in 9VAC25-610-130 and subsections A and B
43 of this section, the board may issue any permit with any terms, conditions and limitations
44 necessary to protect the public welfare, safety and health, or to protect the resource.

45 **9VAC25-610-150. Signatory requirements.**

46 ~~Any application, report, or certification shall be signed as follows:~~

1. Application.

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

d. Any application for a permit under this regulation must bear the signatures of the responsible party and any agent acting on the responsible party's behalf.

A. Application. Any application for a permit under this chapter must bear the applicant's signature or the signature of a person acting in the applicant's behalf, with the authority to bind the applicant. Electronic submittals containing the original-signature page, such as that contained in a scanned document file, are acceptable.

2.B. Reports. All reports required by permits and other information requested by the board shall be signed by:

1. One of the persons described in ~~subdivision 1 a, b or c~~ subsection A of this section; or

2. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) a. The authorization is made in writing to the board by a person described in ~~subdivision 1 a, b, or c~~ of subdivision A of this section; and

(2) b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated withdrawal facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

(3) c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to or together with any separate information, or applications to be signed by an authorized representative.

3. Certification of application and reports. Any person signing a document under ~~subdivision 1 or 2~~ subsection A or B of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on

1 my inquiry of the person or persons who manage the system or those persons directly
2 responsible for gathering the information, the information submitted is to the best of my
3 knowledge and belief true, accurate, and complete. I am aware that there are significant
4 penalties for submitting false information including the possibility of fine and
5 imprisonment for knowing violations.

6 **9VAC25-610-160. Draft permit.**

7 A. Upon receipt of a complete application for a new or expanded withdrawal or a
8 complete application to amend an existing withdrawal, the board shall make a tentative
9 decision to issue or deny the application. If a tentative decision is to issue the permit
10 then a draft permit shall be prepared in advance of public notice. The following tentative
11 determinations shall be incorporated into a draft permit:

12 1. Conditions, withdrawal limitations, standards and other requirements applicable to
13 the permit;

14 2. Monitoring and reporting requirements;

15 3. Requirements for mitigation of adverse impacts; and

16 4. Requirements for a water conservation and management plan.

17 B. If the tentative decision is to deny the application, the board shall do so in
18 accordance with 9VAC25-610-340.

19
20 **9VAC25-610-XXX. Denial of the permit.**

21 A. The board shall make a decision to tentatively deny the permit or special
22 exception requested if the requirements of this chapter are not met. Basis for denial
23 include, but are not limited to, the following:

24 1. The cumulative impact of the proposed withdrawal in combination with all
25 existing lawful withdrawals will lower water levels in a confined aquifer below a
26 point that represents 80% of the distance between the historical pre-pumping
27 water levels in the aquifer and the top of the aquifer.

28 2. The ground water withdrawal amount requested in the permit application
29 exceeds the amount that can be applied to the proposed beneficial use. (62.1-
30 263)

31 3. Available supplies of ground water are insufficient for all who desire to use
32 them and the preference is being given to use for human consumption (62.1-
33 263).

34 4. Failure to implement a water conservation and management plan.

35 5. Failure to submit the required permit fee.

36
37 B. The applicant shall be notified by letter of the board's preliminary decision to
38 tentatively deny the permit or special exception requested. The department shall
39 provide sufficient information to the applicant regarding the rationale for denial, such that
40 the applicant may, at his option, modify the application in order to achieve a favorable
41 recommendation; withdraw his application; or proceed with the processing on the
42 original application.

43
44 C. Should the applicant withdraw his application, no permit or special exception will
45 be issued.

1 D. Should the applicant elect to proceed as originally proposed, the board may deny
2 the permit or special exception and advise the applicant pursuant to Procedural Rule No.
3 1 - Public and Formal Hearing Procedures (9VAC25-230) of his right to a public hearing
4 to consider the denial.
5